

Message Text

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70

ORIGIN EB-11

INFO OCT-01 EA-11 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

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DRAFTED BY EB/AN:WLGALLAGHER:DAP

8/21/73 EXT. 20587

APPROVED BY EB/AN:WBCOBB

CAB - MR. HORNEMAN

EA/IMS - MR. GILL

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R 212137Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY KUALA LUMPUR

LIMITED OFFICIAL USE STATE 166125

E.O. 11652:N/A

TAGS:ETRN, MY

SUBJECT: CIVAIR - US-MALAYSIA AIR AGREEMENT

REF: (A) KUALA LUMPUR 3681; (B) STATE 161866; (C) KUALA
LUMPUR 2980; (D) KUALA LUMPUR 3624

1. DRAFT AMENDMENT PROPOSED REF B SHOULD STILL BE PRESENTED GOM IN THAT GOM AGREED TO AMENDMENT PER REF C, AND EMBASSY STATED REF D IT BELIEVED FULL PASSENGER TRAFFIC RIGHTS WOULD BE GRANTED THROUGH MANILA. MAS, ACCORDING EMBASSY, HAS NO PLANS TO SERVE MANILA AND THUS AN EVEN THEORETICAL THREAT TO MAS IS NOT PRESENT.

2. DEPARTMENT BELIEVES NOTES SHOULD BE EXCHANGED SINCE PAN AM WILL OPERATE FREIGHTER SERVICE THROUGH MANILA AND THUS HAS IMMEDIATE NEED FOR SUCH RIGHTS. IN ADDITION, RELUCTANCE ON PART GOM TO EXCHANGE NOTES MAY REVEAL WHAT MODIFICATIONS OF AGREEMENT IT FEELS ARE NECESSARY PRIOR TO INAUGURATION OF PAN AM PASSENGER SERVICE.

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3. WE ARE CONCERNED BY GOM'S APPARENT INTENTIONS TO PLACE INTERMEDIATE-STOP TRAFFIC RESTRICTIONS ON PAN AM PASSENGER SERVICE. US-MALAYSIA TRAFFIC ITSELF IS NOT SUFFICIENT TO MAINTAIN DIRECT AIR LINKS, AND IN ORDER FOR ROUTE TO BE VIABLE, AIRLINE MUST HAVE RIGHTS TO PICK UP AND DROP OFF ENROUTE TRAFFIC. (DENIAL OF SUCH RIGHTS HAS CAUSED SUSPENSION US AIR SERVICE TO SINGAPORE FOR SEVERAL YEARS.)

MALAYSIA AGREED TO THIS CONCEPT IN SIGNING BILATERAL, AND GRANTED THE USG-NOT PAN AM-CERTAIN AIRLINE RIGHTS INTO AND THROUGH MALAYSIA. IF GOM NOW FEELS IT CANNOT ABIDE BY TERMS OF AGREEMENT OR ITS ROUTE SCHEDULE, PROPER FORUM FOR REVISION OF AGREEMENT IS BILATERAL USG-GOM CONSULTATIONS, NOT CONTRACTUAL BARGAINING WITH PAN AM, WHICH HAS NO AUTHORITY TO AMEND AGREEMENT. TRAFFIC RIGHTS, ONCE INCLUDED IN AN AGREEMENT, ARE NOT SOMETHING ONE SIDE CAN BY ITSELF GRANT OR WITHOLD AND ANY UNILATERAL MODIFICATION OF THOSE RIGHTS OUTSIDE SUCH AN AGREEMENT WE WOULD VIGOROUSLY PROTEST. ROGERS

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